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10/016,001

12/10/2001

Ynjiun P. Wang

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06/20/2006

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,001

Applicant(s)

WANG ET AL.

Examiner

Romain Jeanty

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 16-23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16-23 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

☒ Notice of References Cited (PTO-892)

☐ Draftsperson's Patent Drawing Review (PTO-948)

☐ Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

☐ Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Mark Office
(-05)

Office Action Summary

Part of Paper No./Mail Date 053006

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2006 has been entered. Claims 1-4, 16-33 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 16-23, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of Keithley (U.S. Patent No. 5,584,025).

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 16-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 16-23, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of Keithley (U.S. Patent No. 5,584,025).

As to claims 1 and 3, Hudetz et al disclose:

Providing the customer with a bar code symbol reader (Col. 5, lines 1-5).

Scanning a uniform product code (UPC) bar code symbol (col. 8, lines 38-43); and

Providing an associated table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (col. 7, lines 17-28 and col. 7, lines 64 through col. 8, line 10);

Providing the associated web site address to a remote computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address (e.g., displaying a web page having a URL for the user to click on to make a product inquiry)(col. 7, lines 45-57).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer.

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Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user. Keithley does not explicitly disclose the concept of utilizing data packet information. However, it would have been obvious to a person of ordinary skill in the art to utilize data packet information as it is well known in the art of communication. Including a data packet information into Hudetz and Keithley would have been obvious to a person of ordinary skill in the art with the motivation to identify the origin and destination of the outgoing and incoming data.

As per claim 2, Hudetz et al disclose the bar code reader being provided at the user's terminal (see figure 1).

As per claims 16 and 21, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user.

As per claim 17, Hudetz et al further disclose wherein the identifying indicia is a uniform product code (UPC) (col. 6, lines 15-20).

As per claim 18, Hudetz et al further disclose wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a web site address from among a list of identifying indicia and web site address mappings residing in a storage device (col. 7, lines 29-42; col. 8, lines 47-63; col. 9, lines 5-13).

As per claim 19, Hudetz et al further disclose wherein the web page includes at least one link to a related web page (col. 9, lines 14-22).

As per claim 20, Hudetz et al show the domain name for the links. Thus, it infers that the domain name goes through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (See figure 4; and col. 5, lines 55-65).

As per claims 22-23, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

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Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user.

Regarding claims 27-33, the claimed features are standard practice in the marketing art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in order to allow users to request and obtain product information, thereby increasing marketing sales for a manufacturer and allowing the manufactures to efficiently maximizing market profitability.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al and Keithley g as applied to claim 1 above, and further in view of Kaplan (U.S. Patent No. 5,963,916).

As per claim 4, the combination of Hudetz et al and Keithley does not explicitly disclose providing targeted e-mails to the consumer for product announcements by the manufacturer. Kaplan on the other hand, discloses sending a product notification to a user. Note column 16, lines 16-26. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Hudetz et al and Keithley to include an e-mail notification as taught by Kaplan with the motivation to encourage a user to purchase certain desired products from the manufacturer, thereby increasing marketing sales for the manufacturer.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

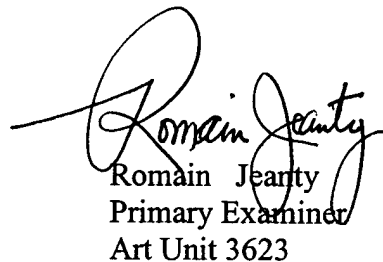
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

May 28, 2006



Romain Jearthy
Primary Examiner
Art Unit 3623